

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

VINCENT DANIEL HOPPER AKA
ANTOLIN ANDREW MARKS,

Plaintiff,

v.

JOHN DOE MYERS RECREATIONAL
COACH NORTHWEST DETENTION
CENTER *et al.*,

Defendants.

Case No. C05-5680RBL

ORDER DECLINING TO
CONSIDER PLAINTIFF'S
MOTION FOR JOINDER OF
PARTIES, WARNING
PLAINTIFF REGARDING
FUTURE FILINGS, AND
STRIKING PLAINTIFF'S
GENERAL DECLARATION.

This Bivens action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Before the court is plaintiff's motion asking the court to add several plaintiffs. (Dkt # 101, 102). The court also addresses plaintiff filing a "general declaration." (Dkt. # 108).

At the onset of this action several detainees filed motions asking for class certification and asking they be added as plaintiffs in this action. (Dkt. # 4, 6, 7, 9). The court entered a Report and Recommendation to deny class certification. (Dkt # 18). On April 12th, 2006 the District Court Judge adopted that Report and Recommendation and denied the motion to certify a class. (Dkt. # 54).

1 Now, plaintiff has filed a 36 page motion signed by six detainees not including Mr. Hopper AKA
2 Marks. (101). Plaintiff specifically mentions rule 23 and addresses the prerequisites for filing a class
3 action. (Dkt. # 101, page 3). The plaintiff has also filed a multi hundred page declaration in support of the
4 motion. (Dkt. # 102). These filings are not the first over length filings from the plaintiff in this action.

5 This motion is a repetitive motion for class certification. Plaintiff's motion and over length
6 declaration will not be considered on the merits. The court has already declined to certify a class in this
7 action. Further, no over length filings will be considered unless the party has sought and obtained leave of
8 court to file an over length pleading.

9 The filings in this action are becoming abusive. When class certification was denied at the
10 beginning of this action plaintiff could have moved for reconsideration. Plaintiff did not do so and in fact
11 filed a pleading indicating he concurred with the Report and Recommendation not to certify a class. (Dkt
12 # 21). A subsequent motion, this late in the case, is not well taken. Included in that motion is a request for
13 counsel. Plaintiff has already moved for appointment of counsel in this action and his motion was denied.
14 (Dkt # 36, and 43).

15 Plaintiff has also filed a pleading which he titled a "general declaration" in which plaintiff indicates
16 what he may testify to in the future. (Dkt. # 108). This is not a proper filing or pleading and it will not be
17 considered by the court or cited to by any party. The pleading is not evidence and is at best a declaration as
18 to what may happen in the future.

19 Plaintiff is hereby warned that this court will not tolerate filings which needlessly increase the cost
20 of litigation or are filed for an improper purpose. Further, the court will not allow over length filings that
21 are violations of the court's local rules. Future pleadings that are improper may result in sanctions
22 including monetary sanctions, dismissal of actions, and limitation on plaintiff's ability to proceed *in forma*
23 *pauperis* in this or future actions. The relief sought in documents 101 and 102 is **DENIED**.

24 The clerk's office is directed to send a copy of this order to plaintiff and counsel for defendants.

25 DATED this 27th day of September, 2006.
26

27 /s/ J. Kelley Arnold
28 J. Kelley Arnold
United States Magistrate Judge